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ABSTRACT

In the context of a high school teacher's dismissal for refusing to participate in hall supervision on ethical grounds, the author discusses the authority structure of public schools and the role and responsibilities of professional educators. Past contract conditions that regimented the private and professional lives of teachers are reviewed, as are court decisions in defense of teachers' civil liberties. The rights of teachers to follow the dictates of conscience in defiance of authority are considered in connection with the legal emphasis on educational accountability. The author contends that the provisos included in much of the current accountability legislation and procedures conflict with the personal convictions of some public school teachers. She stresses that the prevailing autocratic structure of the school is an anomoly in a political democracy. Teachers are urged to be practicing intellectuals, build support systems within the school, examine curriculum policy and decision-making within the school, and pursue issues surrounding authority. (MLF)

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THE ARTIST IS HE WHO DANCES IN CHAINS

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One afternoon last March I received a telephone call from a former student whom I had not seen in many years. Roger had enrolled in our two-year teacher certification program on the Denver Campus of the University of Colorado in 1969, shortly after he had retired from a career in the military service. When he had completed our program, Roger spent a brief period of time supply teaching in Denver-area schools, and then was hired as a regular faculty member in a suburban high school. He has been on the staff of the high school social studies department, a teacher of psychology, ever since.

The purpose of Roger's telephone call to me a few months ago was to request my professional help. In a conference later that day he explained that in February 1980 he had been suspended from his teaching duties by his principal. The stated grounds for the suspension were insubordination. The charge of insubordination subsequently was confirmed in an official notice filed by the local board of education.

Roger's competencies as a classroom teacher were not a factor in this case. Within the context of his classroom Roger enjoyed an excellent reputation. In 1978 and 1979, for example, the student body of the high school had voted him Outstanding Teacher of the Year. What was at issue was Roger's refusal, for ethical reasons, to comply with an all-faculty order which had been issued by the high school principal.

To understand the nature of the particular administrative order in question, one needs to recognize that student discipline has become a foremost concern in many school districts across the

country. For several years now, popular polls have been reporting that taxpayers are convinced that "permissiveness" in the schools is fostering a general academic and moral "decline" among the nation's youth, and that such problems as widespread drug and alcoholism consumption must be responded to with a "get tough" discipline policy by public school personnel.

The principal of Roger's high school reacted to such pressures in that affluent suburban community by ordering his entire faculty to monitor the halls under a weekly assignment schedule. The faculty monitors were ordered to enforce student conformity to a listing of specified out-of-class rules. One of the rules pertained to the carrying of I.D. cards. Students were ordered to have these cards in their possession on school grounds and to present them for inspection and relinquishment upon faculty request. Another rule stipulated that students were to be prevented from "just wandering around the building"--they were required to "be somewhere."

In a series of meetings with the high school principal and assistant principal, Roger tried to explain that participation in such hall supervision would seriously undermine the professional relationship he had established with his students. As an acceptable alternative assignment, he offered his counseling services for those students charged with infractions of school discipline. The principal rejected the legitimacy of Roger's position and the offer of providing alternative service, insisting that hall supervision would not "unduly interfere" with any teacher's primary teaching obligations. Since Roger had been openly critical of the announced

administrative policy in conversations with his students and other teachers, the principal further ordered Roger to publicly state that the hall duty policy was a positive technique developed to help students. Convinced that this would have been comparable to a Galileo-like recant of his total professional outlook, Roger--fully cognizant of the personal risks--refused to obey.

As a tenured teacher, Roger subsequently acted on his right to request a hearing. He and his attorney have requested me, in turn, to serve as a friendly witness in the case. My task will be to provide professional support of Roger's claim that there is a definite relationship between a teacher's in-class and out-of-class behavior, and that this particular teacher's orientation is very solidly in the tradition of such distinguished humanistic or "Third Force" psychologists as Carl Rogers, Arthur Combs, and Abraham Maslow. Accordingly, I will attempt to establish that Roger was acting in good faith by conveying his inability to comply with the principal's order. I will further emphasize that for him to have acted otherwise would have been professionally incompetent and irresponsible.

As we meet here in Cheney today, I cannot report the outcome of this case. After a frustrating series of delays, the school board has determined to move the hearing up to October, eight months after the original charges were lodged.

Roger has been advised by sympathetic parties that his chances for successfully overturning the dismissal are slight, that rarely have teachers been able to counter charges of insubordination. Whatever the local outcome, he is nonetheless prepared to take his

case to the courts. If it becomes necessary for him to appeal the ruling of his hearing officer next fall, I would hope to have the opportunity to provide further supporting testimony through the court system.

There is much, of course, in the professional literature today that underscores the negative long-range effects on students of authoritarian schooling practices. A thoughtful article in the June 1980 issue of Phi Delta Kappan, by Richard Kindsvatter and Mary Ann Levine, summarizes what humanistic psychologists have been insisting for many years:

> (An) adversarial relationship . . . emphasizes teacher power; it assigns low priority to respect for human dignity and concern for developing self-discipline. The basis for teacher/student relationships becomes mutual fearing rather than mutual caring . . . Carl Rogers, the humanist psychologist, emphasizes the importance of the interpersonal relationship between teachers and children. He has made a convincing argument for a person-centered rather than a rules-centered approach to classroom interaction. If teachers accept Rogers' viewpoint they will give higher priority to the quality of the interaction that occurs than to controlling students as an end in itself . . . Harsh behavior is so much a part of the tradition of education that it is difficult to conceive of education without it. It is a carry-over from an age when schooling was conducted in a far more simplistic and naive fashion. But to continue to use harsh punishment is to take an anti-intellectual and inhumane approach to managing student behavior. We consider it unconscionable. As professional teachers, we should believe in the science of our profession and order our behavior accordingly.[1] (Italics mine)

The issues in the case of my teacher friend are far more encompassing than the techniques of student discipline and the appropriateness of hall duty. The overriding issues concern the structure for authority in our public schools, and the role and responsibilities of professional educators who also happen to be citizens of the United States. Those are the larger issues I would like to address.

* * * * *

David Ewing, in his 1977 book, Freedom Inside the Organization, identified what he called "the black hole" in American rights. Ewing, writing as a scholar in the fields of business and law, noted that in the two centuries of our national existence, important constitutional guarantees as freedom of press, speech, assembly, due process of law, privacy, and freedom of conscience have been broadened steadily to protect Americans with respect to their "homes, churches, political forums, and social and cultural life." However, Ewing further noted that American constitutional rights have not been applied to the workplace--to the companies, government agencies, and other organizations where citizens spend a major portion of each day:

> The employee sector of our civil liberties universe is more like a black hole, with rights so compacted, so imploded by the gravitational forces of legal tradition, that, like the giant black stars in the physical universe, light can scarcely escape. Perhaps the most ironic thing is that only in recent years have Americans made many noises about this paradox. It is as if we took it for granted and assumed there was no alternative.[2]

Ewing's impressive thesis was that the Founding Fathers could scarcely have intended that civil rightlessness operate in the workplaces of the country. In the first place, the vast majority of Americans were self-employed at the time of the drafting of the Bill of Rights. The economic norm of wage employment--that is, of hiring out one's services to an organization owned and controlled by others--was a phenomenon which accompanied industrial development in the post-Civil War era.[3]

In the second place, as Ewing carefully documented, many of today's corporations and public organizations have far larger populations than did the combined thirteen colonies.[4] And, it was the size and potential power of the original thirteen colonies which

sufficiently concerned the Founding Fathers into drafting the Bill of Rights. "In some ways," Ewing wrote:

> the minigovernments of today have closer control over an employee than any state did when the Bill of Rights was enacted in George Washington's first term as president. Most employees work at close quarters under careful supervision. Their work and talk may be monitored, and in any event their performance is measured qualitatively and quantitatively. On the other hand, two centuries ago many Virginians, Pennsylvanians, New Yorkers, and other colonists lived off in the woods and fields somewhere, seeing more of their horses than of town, state, or national officials. Accordingly, it seems foolish to dismiss minigovernments as possible subjects of rights, or to exclude employees from discussions of civil liberties. We have assumed that rights are not as important for employees as for political citizens. Our assumption is in error.[5]

There are few workplaces, it seems to me, where the civil rights of citizens have been ignored more conspicuously than among teachers in the public schools of this country. It should be noted that public school teachers have never been self-employed. They have always hired out their services to the local school system, and from the New England Puritan era teachers have been subject to the authority of the local school district and to the administrative agents of the school district. To put the role of the American public school teacher in historic perspective, "the passive servant of society" was the normative expectation for teachers in the schooling workplace long before nineteenth century industrial expansion created the national economic norm of the passive factory and corporation worker.

A review of some past contract conditions which carefully regimented American teachers is mute testimony of the passive-servant role expectation. A New England "Town Book" of 1661 required teachers to perform the following duties: "Act as court-messenger, serve summonses, conduct certain ceremonial church

services, lead Sunday choir, ring bell for public worship, dig graves, take charge of school, and perform other occasional duties."[6] Job expectations had altered little by 1872, when New York public school teachers were required to "fill lamps, clean chimneys," and "bring a bucket of water and a scuttle of coal for each day's session." That 1872 contract contained a long listing of regulations which were intended to govern the teacher's private life. Among these was the directive that men teachers could "take one evening each week for courting purposes, or two evenings a week if they (went) to church regularly." The same document prohibited male teachers from smoking, using liquor, frequenting pool halls, or getting shaved in barber shops. Female teachers were advised that they would be dismissed if they married or engaged in "unseemly conduct."[7]

At one time, a North Carolina town made its women teachers promise "not to go out with any young men except insofar as it may be necessary to stimulate Sunday School work"; "not to fall in love . . ."; "to remain in the dormitory or on the school grounds when not actively engaged in school or church work elsewhere"; and "to sleep at least eight hours each night . . ." A 1915 contract bound teachers to the following promises: "not to keep company with men; to be home between the hours of 8:00 p.m. and 6 a.m. unless in attendance at a school function"; "not to loiter downtown in ice cream stores"; not to leave town at any time without permission of the chairman of the board, and not to get in a carriage or automobile with any man except her father or brother. Even after the First World War, similar regulations appeared in the contracts of American public school teachers. A 1935 contract signed in Virginia, for

example, stated that women teachers could not keep company with "sorry young men." A Tennessee contract held that "said teacher is to refrain from any and all questionable pastimes." An Alabama contract required a teacher to promise that she would "not have company or go automobile riding on Monday, Tuesday, Wednesday, and Thursday nights."[8]

What is startling, perhaps, is that such blatant invasions of the private lives of America's public school teachers were not seriously challenged until relatively recent years. David Rubin, in his The Rights of Teachers: An American Civil Liberties Union Handbook, cites three court decisions (Goldsmith in 1924, Gover in 1931, and Horosko in 1939) as landmark cases which attacked the constitutionality of board of education contracts which sought to control the private lives of teachers.[9] Therefore, it is hardly surprising that challenges to the constitutionality of school policies and practices designed to regiment the professional lives of teachers are of even more recent origin!

Interestingly enough, movement by the nation's courts in the late 1960s and early 1970s which reflected a growing recognition of the civil liberties of teachers paralleled other court decisions wherein employee rights in general began to materialize. "A new idea has begun to rule America," wrote Duncan Littlefair in 1973. "This is the idea that no group or authority has a special claim to understanding, power, or influence."[10] What Littlefair was referring to was evidence of a changing attitude toward authority, per se, among jurists, legislators, and enlightened managers themselves. In brief, it was an attitude that questioned the traditional prerogatives

of management, and the long-time operating principle of the work-place that management was always right. This new attitude took particular issue with the constitutionality of demanding unquestioning loyalty from employees.

The Pickering decision of 1968 is generally heralded as the major landmark in affording First Amendment protections of free speech to the public school teacher in his professional life. Pickering was an Illinois high school teacher who, in a letter to the editor of a local newspaper, sharply criticized his school board for its fiscal policies, specifically for its heavy emphasis on school athletics. Pickering was fired for action which was deemed to be detrimental to the efficient operation and administration of the schools. He lost his case in the Illinois courts, but ultimately won on an appeal to the U.S. Supreme Court. In its favorable ruling, the Supreme Court stated that teachers should not be "compelled to relinquish the First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest."[11]

There have been a number of subsequent applications of the Pickering decision. In 1971, an Arkansas elementary teacher by the name of Downs successfully won her legal battle for renewal of her contract in light of the Pickering decision. Downs, a twenty-five year veteran of the classroom, had encouraged her second-grade students--as part of a unit of study on nutrition--to forward written recommendations to the school cafeteria supervisor. (The children thereupon advised the cafeteria supervisor that fresh carrots would be more nutritious than cooked carrots). Downs further encouraged her students to publicize, through drawings sent to the principal,

problems arising from the inadequate water supply in the classroom. (The children followed up by drawing pictures of wilted flowers). Downs also sent written communications to other teachers trying to arouse general faculty concern about incinerator hazards on the school playground. Since none of these actions had been authorized by the school superintendent, as specified under Arkansas school policy, Downs was fired. However, the circuit court held that such alleged violations of school policy were arbitrary and unreasonable and in violation of Downs' First and Fourteenth Amendment rights of free speech and freedom to petition peaceably for redress of grievances.[12] In the words of the circuit court:

> When a School Board acts, as it did here, to punish a teacher who seeks to protect the health and safety of herself and her pupils, the resulting intimidation can only cause a severe chilling, if not freezing, effect on the free discussion of more controversial subjects.[13]

Despite the legal precedent established by the Pickering and Downs decisions, I do not wish to convey the impression that in 1980 the law has become unequivocally clear in its protection of the civil rights of classroom teachers. Those familiar with the history of American jurisprudence know that interpretations of the same law often vary, and that subtle differences between cases often tip court decisions in apparently contradictory directions. Moreover, as Bob Woodward and Scott Armstrong revealed in their 1979 study, The Brethren,[14] the U.S. Supreme Court, itself, is a very human institution. The Court rulings are not removed from the subjectivity and idiosyncracies of its nine justices. Thus, interpretation of civil rights matters--even by the highest court in the land--has no ultimate guarantee of either consistency or a fair application of

justice. Nonetheless, it must be emphasized that significant legal ground has been broken for American teachers in the past dozen years.[15]

What also must be emphasized is the large gap which presently exists between legal advancements in civil liberties for employees and the prevailing attitudes in the public schooling workplace.

In 1959, Nathan Blumberg conducted a small study among eighty-six elementary and secondary teachers. His major finding at the time was that a "fear syndrome" operated among teachers. That is, a dominant attitude was fear of administrative reprisals if teachers voiced views which differed from established school policy.[16]

Twenty years later, Joel Henning, Charles White, Michael Sorgen, and Leigh Stelzer reported more recent research about the attitudes of teachers toward authority within the schooling workplace. An excerpt from their 1979 book, Mandate for Change: The Impact of Educational Innovation, appears in the Summer 1980 issue of American Educator. This contemporary team of researchers reported the same finding as Blumberg--that the fear syndrome persists today, specifically, that "teachers expect all hell to break loose if they raise their voices in opposition to the school administration."[17] Henning and his associates reported that most of the teachers surveyed had no familiarity with Pickering and other cases dealing with their civil liberties, and in general had no grasp of how the law might protect their rights.

But the Henning team also reported other factors which have a decided bearing on how the contemporary classroom teacher relates to school authority--factors which appear to take precedence over

the legality of civil liberties. Teachers confided to interviewers that experience in the schooling workplace had demonstrated that there were many ways--short of firing--to intimidate a nonconforming teacher into either conforming or resigning. Some of the administrative strategies cited included:

> insisting that rules be followed in every detail, assigning teachers to different schools that may be hard to reach or hard to teach at, assigning them classes with hard-to-teach students, assigning them classes out of their area of specialization, and giving them unpleasant extracurricular activities.[18]

From my own observations over the years, I would identify at least four other management strategies for intimidating a dissident classroom teacher. One is the wall of management silence ("benign neglect") which often is the official response to teacher protest. A second strategy is protracted delay in resolving management-employee conflicts. My high school teacher friend, Roger, is being subjected to protracted delay by the school board in the resolution of his dismissal case. The resulting frustration and loss of teaching prestige during extended periods of uncertainty are sufficient reasons for dissident teachers to back away from such battles, resign, and relocate elsewhere.

The prospect of legal expenditures is a third intimidating factor. Even if a teacher wins a dismissal case and is awarded damages, the initial costs for engaging legal counsel can be a heavy burden. Such costs can become prohibitive if management engages in protracted delay. Fortunately for Roger, his legal expenses will be borne by the Colorado Education Association. However, not all classroom teachers have this financial advantage.

A fourth intimidating management strategy is that of

blackballing the dissident teacher, thereby undermining employment opportunities in other districts. Fear of earning a reputation as a "troublemaker" is compelling enough to keep many teachers from seeking legal recourse.

In their book, Henning, White, Sorgen, and Stelzer expressed a justifiable concern for the impact of the fear syndrome on teachers in terms of the instructional implications for students. "School teachers function," they wrote.

> not only as teachers but also as authority figures. Teachers' formal lessons convey information and skills to students, but the lessons teachers informally convey as role models may be equally important. With the exception of parents, teachers constitute the major authority figures for most students. How teachers react to authority--that is, how they deal with administrators, boards of education, and their ultimate employers, the community--can tell students much about how one is expected to behave in society.[19] (Italics mine)

Thus, the sobering likelihood is that when teachers accept the traditional passive-servant role for themselves, they can be fairly certain of transmitting a powerful attitude to their students--an attitude which teaches the desirability of organizational conformity, not of democratic citizenship.

* * * * *

Now, what does all of this have to do with the focus of this symposium, Foundations of Education?

If I were to boil down my perception of the overriding function of foundational studies, it would be this: As a field of study, Foundations of Education is intended to help internalize a broad frame of reference from which educators can function as professional persons rather than technicians. Or, to put this another way, a broad and deep foundational orientation to educational matters is

what can move one out of the ranks of the passive servant into the professional realm.

There are several crucial distinctions between the educational technician and the professional. The former has a good command of a narrow band of expertise. For example, the technician may be highly knowledgeable and skilled in teaching students to read, to write, to cipher, or to speak French. The professional educator has the skills of a technician, but he also possesses the intellectual basis from which to bring interpretive, normative, and critical perspectives to bear on all educational phenomena. The technician largely obeys decisions made by others. Thus, when he teaches students to read, to write, to cipher, or to speak French, the underlying rationale for his actions as a teacher, for all practical purposes, can remain beyond the purview of personal understanding or responsibility. The job focus of the technician is geared primarily to the nuts-and-bolts level of classroom teaching. Moreover, the walls of the classroom serve to delimit his focus of concerns.

When the professional teaches his students to read, to write, to cipher, or to speak French, it is with a very conscious connection between the theoretical ideas he holds and the particular nuts-and-bolts which he employs. Further, the professional has a sophisticated grasp of the large and complex world of human experience which so definitely influences his schooling universe and the miniworld of his own classroom. These are precisely the kinds of understandings which make up the substance of historical, philosophical, political, sociological, anthropological, economic, psychological, and comparative analyses of education.

I am, in short, taking the position that there is a direct correlation between one's in-depth exposure to the scholarship which comprises foundational thought and one's ability to function with the characteristics which properly surround professional status: a high degree of autonomy, the willingness to take risks, and the assumption of personal responsibility for the choices one makes.

During the past dozen years, professionals in the classrooms across the country have taught us much about the ramifications of autonomy, risk-taking, and personal responsibility in the public schools:

First, they have taught us the importance of assuming an aggressive posture with respect to all policy and decision-making that goes on within the schooling workplace. This means a habit of filtering all curriculum-related matters through one's own intellectual frame of reference and then actively responding from a sense of professional conscience, not external pressure. It also implies an understanding of the points of view, objectives, and preferred solutions of one's colleagues. An aggressive stance can take such forms as pointing out to other teachers and building administrators the unquestioned assumptions upon which a particular policy rests. It can involve critiquing, through letters and editorials, shifts in educational trends at the local, state, and national levels.

Second, professionals in the classrooms have taught us the importance of living our careers as practicing intellectuals. I am not here referring to an ivory tower variety of intellectualism. I am talking about individuals who have an examined and wholistic

sense of direction--persons who not only know who they are, what they are doing, and why, but who can effectively articulate and defend all of this to their educational constituencies.

Roger knows exactly who he is as a person and as an educator. In a sophisticated and moving statement of his personal philosophy, drafted earlier this summer at my request, he was able to explain

the relationship between his assumptions about human nature, learning, and his whole approach to teaching. In one passage, he drew out the implications of Lawrence Kohlberg's theory of moral development with respect to the high school principal's order to perform hall duty. With keen perception, Roger related Kohlberg's first five levels of moral development to rationale that would have sanctioned conformist employee behavior:

> Level 1 (deference to authority). "I don't really think hall duty is proper, but I'm going to do what I am told to do to avoid punishment."
>
> Level 2 (minor rationalization with needs gratification). "I don't really think hall duty is proper, but I have a job to do for which I am being paid, so I will do it."
>
> Level 3 (major rationalization with the need to please). "I don't really think hall duty is proper, but everyone else is doing it so it must be okay; after all, this is a democracy and the majority rules."
>
> Level 4 (doing your duty as established by society). "I don't really think hall duty is proper, but it has been sanctioned by the principal, central administration, and other recognized positions of authority. They are supposed to know what they are doing!"
>
> Level 5 (standards from a legal point of view). "I don't really think hall duty is proper; I don't like the idea of doing it at all, but it is school board policy."

Going beyond conformist rationale and relating personally to Kohlberg's sixth level of moral development (consciousness of universal ethical principles), Roger identified with great clarity the crux of his own defense:

> I don't think hall duty is proper. I am morally indignant that it has been ordered, and I challenge your authority to tell me to do it since it is against my basic beliefs.

In my opinion, we have never been in greater need for practicing intellectuals, like Roger, in our elementary and secondary schools. I would call your attention to the cover article in the

June 16, 1980 issue of Time magazine, "Help! Teacher Can't Teach!"[20] The article is a devastating critique of the vast majority of teachers who currently staff the nation's public schools. The basic charge is that elementary and secondary educators are totally incompetent and anti-intellectual. Despite the fact that this recent essay is filled with all-sweeping unsubstantiated claims, including grossly distorted test data which support Time's thesis of the "steadily downhill" achievement of public school graduates,[21] the conclusions of this popularly-read magazine undoubtedly will fan the arguments of those many persons attacking the quality of our public schools. Unfortunately, this recent media story parallels a growing body of literature which is unflattering and hostile toward teachers. A notable illustration is Gene Lyons' article, "Why Teachers Can't Teach," which appeared in the September 1979 issue of Texas Monthly. Lyons' article earned him a prestigious journalism award; thus, it is now being widely quoted. In answer to his own question, Lyons' insisted that teachers can't teach "because they don't know anything."[22]

We need to be historically sensitive to the fact that these contemporary perceptions of the general incompetence of elementary and secondary teachers are not new. The passive-servant tradition, dating from the colonial era, conveyed a definite suspicion of the intellectual capacities and competencies of the classroom teacher. There is much evidence that this suspicion has lingered over three centuries. For example, a 1971 Massachusetts court decision pertaining to academic freedom drew a distinction in what society could expect from teachers at the college or university level and

what could be expected from teachers at the secondary level. The court said:

> Among secondary school teachers there are often many persons with little experience. Some teachers and most students have limited intellectual and emotional maturity. Most parents, students, school boards, and members of the community usually expect the secondary school to concentrate on transmitting basic information, teaching "the best that is known and thought in the world," training by established techniques, and, to some extent at least, indoctrinating in the mores of the surrounding society. While secondary schools are not rigid disciplinary institutions, neither are they open forums in which mature adults, already habituated to social restraints, exchange ideas on a level of parity.[23]

I challenge this popular and long-held notion about the immaturity of teachers in our secondary and, by implication, elementary schools. I encourage others to challenge it, too. Not by striking out at the foolishness of linking intelligence to teaching levels, but by demonstrating intellectual breadth and excellence in one's own professional life.

Third, professionals in the classrooms have taught us the importance of examining curriculum policy and general operating procedures, and of pursuing issues surrounding authority. We need to recognize how easy it is for teachers to deny that issues of authority exist in the school or school district. Another of the findings reported in 1979 by the researchers, Henning, White, Sorgen, and Stelzer, regarding teachers' attitudes toward school authority and teachers' sense of their own rights, was that:

> Few teachers recalled controversies at their school that revolved around free speech or academic freedom. Most responses dealt with nuts-and-bolts, job-related matters such as tenure, hiring and firing, unionizing and bargaining, and hours. These responses may be an accurate reflection of the important issues facing teachers in the sample, but they may also be another indicator of effective restrictions on expression that teachers perceive in the school system. Perhaps speech

> and academic freedom disputes do not arise very often because teachers' expression has been "chilled"; perhaps they just don't criticize the school in public.[24]

autocratic
One of the priority items on my own list of/schooling policies to be challenged is that of minimum competencies (now legislatively mandated in 38 states), and related accountability procedures which are coming to dominate the operation of many American social institutions. I am referring here to the normative thinking which is associated with management-by-objectives ("MBO"), systems analysis, exit competencies, highly specified generic learnings, and teacher-proof curricula.

There is no historical or contemporary evidence which indicates that accountability policies comparable to those in force in Colorado or Florida--or those in force in Washington, under the 1976 Student Learning Objectives Law, and the 1977 Basic Education Law--either improve the quality of education or cut down on expenditures. The British payment-by-results system, adopted in 1861, was a mid-Victorian prototype of the contemporary assessment and accountability systems. A number of scholars have described the educational destructiveness and failure of this plan; nonetheless, payment-by-results lasted twenty years before being overturned by its critics.[25] A similar accountability system, known as the "efficiency movement," was a trend among American educational administrators in the early twentieth century. Like its British counterpart, the early American efficiency movement had negative educational consequences.[26] There is wisdom, it seems to me, in making a careful examination of past educational experiments before allowing oneself to be swept up by today's bandwagons.

On the contemporary scene, significant studies reported by psychologists Sheldon Adelberg and C. Daniel Batson indicate that prevailing accountability policies in social service occupations both inhibit a person's ability to help others, and result in less effective services with the greatest waste of available resources.[27] Thus, accountability expectations of "effectiveness" and "cheapness" appear to have no demonstrable support.

My strongest argument for challenging the prevailing accountability policies is that I regard such policies to be in violation of the First Amendment. The provisos for "specific performance objectives" and for the "objective measurement" of achievement establish a given epistemological (knowledge-view) and axiological (value-view) frame of reference; such ground rules for thinking and evaluating are compatible with positivist-scientific realist philosophies. The current efficiency fetish in the management of our public schools does not justify the official imposition of a uniform set of a priori assumptions. A case can be made that such accountability policies--in Colorado, Florida, Washington, and elsewhere--are tantamount to establishing a secular religion, in that same defines a particular version of reality, knowledge, and what constitutes the summum bonum of human values. Furthermore, as the educational researcher, Gene Glass, has emphasized, all efforts to achieve "absolute evaluation in education . . . (have been) capricious and authoritarian."[28]

Several court decisions in recent years have direct bearing on the constitutionality of policies by the state or school board to command its teachers to subscribe to orthodox modes of thinking.

The Supreme Court issued, in the 1957 Sweezy case, the broad opinion that:

> To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation . . . Teachers and students must always remain free to inquire, to study and to evaluate.[29]

In 1968, a New York court decision, referring ~~back~~ to the Sweezy case, held that:

> The considerations which militate in favor of academic freedom--our historical commitment to free speech for all, the peculiar importance of academic inquiry to the progress of society, the need that both teacher and student operate in an atmosphere of open inquiry, feeling always free to challenge and improve established ideas--are relevant to elementary and secondary schools as well as to institutions of higher learning.[30] (Italics mine)

In 1971, a Massachusetts court allowed that freedom in teaching and the specific techniques employed by the classroom teacher should be related to "some concededly valid educational principle."[31]

A Texas court ruled in 1972 that:

> A responsible teacher must have freedom to use the tools of his profession as he sees fit. If the teacher cannot be trusted to use them fairly, then the teacher should never have been hired in the first place.[32]

The same court ruled that "a teacher must not be manacled with rigid regulations."[33]

There are also a whole series of court decisions which have respected the teacher's constitutional right to refuse to obey a demand by school authorities to proselytize in the classroom "by means which conflict with the teacher's own convictions, religious or otherwise." The most notable decisions of this nature to date have upheld the constitutional right of a teacher to refuse to salute the flag or lead his class in a recitation of the pledge of allegiance.[34]

It is my contention that the provisos surrounding much of the current accountability legislation and procedures involve proselytizing, and conflict with the personal convictions of at least some of the nation's 2.2 million public school teachers.

Fourth, professionals in the classrooms have taught us the importance of building support systems within the schooling workplace. The fear syndrome, of course, works against this. My teacher friend, Roger, has found himself quite isolated among his faculty colleagues. Not that some of his teacher associates do not share Roger's concerns. A few have communicated sympathetic views. But such communication has been covert. Thus, Roger stands alone.

Recently, I asked one of my graduate students--an experienced middle school teacher--how professional support systems could be effected in the schools. His reply is worth sharing. "It's like everything else. Support begins with one teacher having the courage to reach out to another, breaking the circle of indifference!"

Realistically, I do not expect everyone in our profession to have the degree of integrity and fortitude that Roger is manifesting in his personal struggle. Similarly, I do not expect large numbers of classroom teachers to start flocking to the courts. I have identified some of the intimidating circumstances which are likely to discourage widespread teacher activism. But I do have a vision which I think is quite within the realm of possibilities. It is based on the expansion of knowledge. That is, as more public school teachers accept the responsibilities which accompany professional status, and acquire heightened awareness of legal advances in the civil liberties of teachers, I believe the resulting dissemination

of such information could bring about a dramatic change in management policies.

The evidence rather strongly suggests that present civil liberties abuses of teachers are rooted in the traditional expectations of the passive-servant role, and in sheer ignorance of the law. I tend to agree with Louis Fischer and David Schimmel that "most administrators and school boards will follow the law if they know what it is," and that "teachers are more likely to claim their rights if they know what they are."[35] There is no reason why conditions based on ignorance cannot be vigorously addressed by many more of us, and short of actual engagement in court battles.

Fifth, and finally, professionals in the classrooms have suggested to us that the schooling workplace--the bureaucracy of the educational "system"--can be viewed as an organizational structure which potentially can afford the individuals within a great deal of freedom. I am not talking about absolute freedom. Such a notion is naive. The social quality of human life imposes certain restrictions on us all. Schooling is a social enterprise; and like all other social institutions it necessarily must involve some restrictions when it comes to the functioning of individual freedom--whether those individuals are teachers, students, counselors, administrators, parents, or school board members. Thus, my comments here should not be construed as advocacy of the mushrooming national cult of narcissism.

My central message is that the prevailing autocratic structure of the schooling workplace is an anomoly in a political democracy, and is the antithesis of an educational structure appropriate for

citizens of a democracy. It should be obvious that civil liberties for students, despite some impressive advances in that area during the past two decades,[36] are seriously undermined whenever the civil liberties of their teachers are curtailed. Therefore, I am urging classroom teachers to join with those professional educators who are struggling to reshape the totality of the schooling workplace into a social institution which reflects democratic citizenship--diversity instead of orthodoxy.

In this effort, it would be extremely helpful for classroom teachers to have a thorough grasp of two contrasting bodies of American management theory. The older theory is "scientific management," and is associated with the thinking of the turn-of-the-century engineer, Frederick Winslow Taylor.[37] Scientific management theory is a coercive, productivity model of work which promotes passivity and uniformity. It has dominated American business and industry for almost seventy years. Federal and state bureaucracies have been especially impacted by scientific management during the past fifteen years, largely because of massive government expenditures and resulting public demands for accountability of tax dollars. The ideology of scientific management theory does lend itself to a simplistic and convenient profit-and-loss reporting. As federal and state funding have increased with respect to education, scientific management has steadily assumed dominance in our schools.

Humane management theory, as advanced by Rensis Likert in the 1960s, is rooted in very different premises about human possibilities, trust, and the organization of the workplace.[38] Humane management theory focuses upon "the <u>quality</u> of interaction between people in

the intangible structures and processes of work" and fosters "individual differences in style and initiative."[39] It is this newer humane democratic/management orientation that should provide the operating structure for the schooling workplace, including our approach to such issues as student discipline and teacher accountability. As Janice Weaver has commented, the most fundamental question to be raised in connection with schooling institutions today is "why we in education are adapting management methods which emphasize the linear, material, and tangible aspects of work with more or less monolithic assessment, when the more enlightened businesses and industries are abandoning that approach."[40]

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In closing, I would like to share a passage from Jose Ortega y Gasset's What is Philosophy? In this passage, Ortega quotes Friedrich Nietzsche. Together, these two existentialist philosophers convey my own outlook on our times, the possibilities before each of us, and my own cautious optimism:

> To say that our times form our destiny is not merely a phrase. The present, in which the past--the individual and the historic past--is summarized and condensed, is that portion of fate which intervenes in our life; in this sense life always carries a fatal dimension and some hint of having fallen into a trap. Except that this trap does not strangle us, but leaves to life a margin of decision and always permits us, out of the imposed situation, to achieve an elegant solution and to forge for ourselves a beautiful life. Hence, because life is part fate, and part the freedom we need to make decisions for ourselves, there is at its very root the stuff of art; nothing symbolizes this better than the position of the poet who bases his lyric freedom on the exigencies of rhyme and rhythm. All art implies the acceptance of a shackle, of a destiny; as Nietzsche said, "The artist is he who dances in chains." The destiny which is the present is not a misfortune but a delight, the delight that the chisel feels when it encounters the resistance of the marble.[41]

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NOTES

1. Richard Kindsvatter and Mary Ann Levine, "The Myths of Discipline," Phi Delta Kappan (June 1980): 692-693. Cf. Charles E. Silberman, Crisis in the Classroom (New York: Random House, 1970); Jonathan Kozol, Death at an Early Age (Boston: Houghton Mifflin Company, 1967); and Herbert Kohl, Thirty-Six Children (New York: New American Library, 1967).

2. David W. Ewing, Freedom Inside the Organization: Bringing Civil Liberties to the Workplace (New York: McGraw-Hill Book Company, 1977), p. 5.

3. See an excellent historical analysis of the profound change in the nature of the American workplace in Daniel T. Rodgers, The Work Ethic in Industrial America 1850-1920 (Chicago: The University of Chicago Press, 1978).

4. David W. Ewing, op. cit., pp. 11-16.

5. Ibid., p. 16.

6. John Hardin Best and Robert T. Sidwell (eds.), The American Legacy of Learning: Readings in the History of Education (Philadelphia: J. B. Lippincott Company, 1967), p. 47.

7. "Instructions to Public School Teachers, New York, 1872"

8. David Rubin, The Rights of Teachers: An American Civil Liberties Union Handbook (New York: Avon Books, 1972), p. 109.

9. Ibid., pp. 109, 115.

10. Cited by David W. Ewing, op. cit., p. 19.

11. Ibid., pp. 104-105; see also David Rubin, op. cit., pp. 49-51.

12. David Rubin, op. cit., p. 60.

13. David W. Ewing, op. cit., p. 106.

14. Bob Woodward and Scott Armstrong, The Brethren (New York: Simon and Schuster, 1979).

15. Cf. conclusions of Louis Fischer and David Schimmel, The Civil Rights of Teachers (New York: Harper & Row, Publishers, 1973), p. 146.

16. Joel F. Henning, Charles White, Michael Sorgen, and Leigh Stelzer, "Teachers and Authority," American Educator (Summer 1980): 24; excerpted from Mandate for Change: The Impact of Law on Educational Innovation (Chicago: American Bar Association, 1979).

17. Ibid.

18. Ibid.

19. Ibid., p. 20.

20. Timothy Foote (ed.), "Help! Teacher Can't Teach!" Time (June 16, 1980): 54-63.

21. For data which refutes the popular notion of a steady "decline" in student achievement, see Eugene R. Howard, "Positive Side of Test-Score Debate Cited," School & University Review (University of Colorado, Fall 1979): 1-2; see also Roger Farr and Jill Edwards Olshavsky, "Is Minimum Competency Testing the Appropriate Solution to the SAT Decline?" Phi Delta Kappan (April 1980): 528-530.

22. Gene Lyons, "Why Teachers Can't Teach," Texas Monthly (September 1979): 123-128; 208-219.

23. David Rubin, op. cit., p. 32.

24. Joel F. Henning, Charles White, Michael Sorgen, and Leigh Stelzer, op. cit., pp. 24-25.

25. Gene V. Glass, "Mathew Arnold and Minimal Competence," The Educational Forum (January 1978): 139-144; see also Don T. Martin, George E. Overholt, and Wayne J. Urban, Accountability in American Education: A Critique (New Jersey: Princeton Book Company, 1976), pp. 34-37.

26. S. Alexander Rippa, Education in a Free Society, Third Edition (New York: David McKay Company, Inc., 1976), pp. 157-164; see also Don T. Martin, George E. Overholt, and Wayne J. Urban, op. cit., pp. 37-41.

27. "The Consequences of Accountability," Human Nature (September 1978): 12-13.

28. Gene V. Glass, "Minimum Competence and Incompetence in Florida," Phi Delta Kappan (May 1978): 602.

29. David Rubin, op. cit., p. 25.

30. Ibid., p. 26.

31. Ibid., p. 31.

32. Ibid., p. 36.

33. Ibid., p. 35.

34. Ibid., p. 43, 47.

35. Louis Fischer and David Schimmel, op. cit., p. 150.

36. See David Schimmel and Louis Fischer, The Civil Rights of Students (New York: Harper & Row, Publishers, 1975).

37. Frederick Winslow Taylor, Scientific Management (New York: Harper & Brothers, 1911); see also Daniel T. Rodgers, op. cit., pp. 53-57.

38. Rensis Likert, Human Organization: Its Management and Value (New York: McGraw-Hill, 1967); see also Rensis Likert and Jane Gibson Likert, New Ways of Managing Conflict (New York: McGraw-Hill, 1976).

39. Janice Farmer Weaver, "Scientific Management and Teacher Education," The Educational Forum (May 1974): 490.

40. Ibid.

41. Jose Ortega y Gasset, What Is Philosophy? (New York: W. W. Norton & Company, Inc., 1960), p. 248.